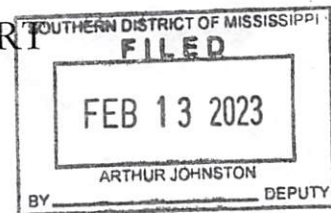


Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of MSNorthern Division

Case No.

3:23cv117-DPJ-FKB
(to be filled in by the Clerk's Office)Randy Carl Marshall

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MTC; MOC; John Does;

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Randy Carl Marshall

All other names by which
you have been known:

N/A

ID Number

MOC # 134595

Current Institution

East Mississippi Department of Correction

Address

P.O. Box 16641 Hwy 80 West

Meridian

MS

39307

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

MTC Employee Mr. Donald Jackson

Job or Title (*if known*)

Warden

Shield Number

N/A

Employer

MTC Employee At End-East Mississippi Correction Facility

Address

P.O. Box 16641 Hwy 80 West

Meridian

MS

39307

City

State

Zip Code

☒ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Sergeant Smith, Female

Job or Title (*if known*)

Sergeant Smith

Shield Number

N/A

Employer

MTC - Management Training Corporation

Address

East Mississippi Correction Facility, East Mississippi Correction Facility

P.O. Box 16641 Hwy 80 West

City

State

Zip Code

☒ Individual capacity☐ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Leutnant Grady
 "Leutnant Grady"
 N/A
 MTC - Management Training & Cooperation
 ENCF, P.O. Box 10641 Hwy 80 West
 Meridian MS 39307
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Mr. McClellan
 Major
 N/A
 MTC - Management Training & Cooperation
 ENCF, P.O. Box 10641 Hwy 80 West
 Meridian MS 39307
 City State Zip Code
☒ Individual capacity ☒ Official capacity

II.

Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B.

Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

U.S. Const. Amendment I, U.S. Const. Amendment IV, U.S. Const. Amendment V,
 U.S. Const. Amendment VIII; U.S. Const. Amendment XIII and U.S. Const. Amendment XIV(1)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

These Public/Private Correctional official
As An Correction to MDOC and State of Mississippi, when Inform that
the Complainant was Assaulted; Abuse to Place the Complainant back upon
the Prisoning Unit & not 4-Officer; & Permalize him By RVR "Failing"
to Protect from harm; - State Law; Abuse And Maltreatment Prohibited

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
At Enclif; West Lauderdale County, MS November 24th 2022 Unit-4 Hall;
the Complainant was Jump By 4-Officer; and suffer Left hand Strides & Left
Index Finger; once occurrence these accused Attempted to Place the Complainant in harm
Way deliberate Indifference to Policy of note hand book; right to non Injury;

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
Unit-4 A-Hall; Enclif 11-24-2022; once back from "Rush Hospital," these three
Correction official without Investigation; Arrest; non Realties upon the accused offenders
Then they Write him a RVR For Fearing for his safety & well-being; and fail
to Savie fully the Disciplinary Investigation or Hearing Exhibit adverse concern
For the Duty; and "Personally Perverting there, fine in office"
Exhibiting the Unsustainable of the Standard of Care; And Produce "breach of Contract;"

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(C) What date and approximate time did the events giving rise to your claim(s) occur?

The Event of "Harm" cause was November 24th 2022 - November 25th 2022
Time of Assault & Injury and Lack of Investigated Presence; 9:45 PM - 12:15 AM
11-24-2022; the 2:08 PM 11-25-2022;

(D) What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Once these accused any Justice Correctional Officer Sergeant Smith; Lieutenant Gray; & Major McGowan; without the necessity of investigating the accused offenders at Encl Unit B Area; Cell 208 1X; 2014 2X; 209 1X; 2010 1X; whom jumped the offender/Complainant Carl Marshall; Injuries sustain Epidemic's Left Temporal Cut require Stitches; & Left Index Finger; However these accused attempted without obtaining the source of the offense recklessly try to flee the Complainant, in harm way and not protecting the safety & welfare of the Complainant.

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The Injuries sustain; Left Temporal cut to head; and Left Index Finger from a lock by the offenders; However the Defendant Correctional Officer cause Injuries; By Failing to obtain his Property Outen; \$25-30 Dollars; Religion Property Bible; Home numbers; Legal Worker Caps; Bowls; & Personal Property; also; Injuries Fear Unnecessary when Supervisory Authority had the Authority to bring different housing or separation of aggressive offender to stricter location; this cause distress and mental anguish none side the Injury;

(VI) Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

VII Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

(A.) Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

EMCF P.O. Box 10641 Hwy 80 W. Midvale, UT 84045-3930

(B.) Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

(C.) Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

D

Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E

If you did file a grievance:

1. Where did you file the grievance?

The Grievance was Filed During 2022;
However After being House in medical December 9th to 22
January 13th 2023 then January 16th 2023 After obtaining
Legal Assistance File an Grievance and got rejected by Inadequate care;

2. What did you claim in your grievance?

The Above Alleged, Claims: of Separate Indifference to Policy
Which cause Deprivation of Life; Liberty; and Property, 5th Amendment
And 14th Amendment Violation which, rest, there within the other Amendment
namely Cruel and Unusual Punishment;

3. What was the result, if any?

The repeatedly Unresponsiveness to concerns of Standard of Care
By the Correctional official made illegitimate Excess of money that
one. Compelling and more, than one, relief was request but only
Criteria of the episodes of the continuous facts of Pattern
of Unofficial practice the hold Dept. Even fail to provide the 5 Day Periods

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

The sole basis is Evidence the Complaint was Denied of the
Required Privilege Process; no 2nd step Forum was provide nor the
Five Day Time Period to refile Exhibiting IV Amendment Violation

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

⑥

Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Although; subject to abridgment of the Procedural Process to obtain an remedy; The Complainant file for Second ARP Appeal Process to notify the Administrative of the Discrimination Act.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Dismissed 2015; USDC Southern District of New York. The Attach Documents was lost; and not obtainable presently;

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A Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

D What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Yes it was Dismissed not in my favor I had Legal Civil Rights Knowledge and suffer from the continuous Practice of the Custodian

E Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

No; only once

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☐ Yes☐ No

① If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

① Parties to the previous lawsuit

Plaintiff(s)

Randy Carl Marshall

Defendant(s)

Lawrence Bryan; Parole Board; and Non-Prohibit Organization

② Court (if federal court, name the district; if state court, name the county and State)

USDC Southern District; Southern Division Prior to 2017 -

③ Docket or index number

N/A

④ Name of Judge assigned to your case

N/A

⑤ Approximate date of filing lawsuit

N/A

⑥ Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

N/A

⑦ What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-1-2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Randy Carl Marshall
134595
Encl P.O. Box 10641 Hwy 80 West
Meridian MS 39307
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

